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FEB 02 200760,469-254
OT-5282REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 2, 4 and 15 have been cancelled. All other claims are amended. Applicant respectfully requests reconsideration of this application where claims 1, 3, 5-14, 16 and 17 are pending.

Support for the amendments to claims 1, 10 and 14 is found, for example, on page 4, lines 25-28 and page 5, lines 6-9 of the specification.

Applicant respectfully submits that none of the claims can be considered anticipated by the *Jamieson, et al.* reference applied under 35 U.S.C. §102(b) in the Office Action against claims 1-3, 9-12, 14-15 and 17. The *Jamieson, et al.* reference does not include a fluid having a selectively variable viscosity. Instead, that reference discloses an arrangement using solenoids and electromagnets to apply forces for balancing an elevator car.

None of Applicant's claims can be considered obvious over the proposed combination of the *Jamieson, et al.* reference and the *Fujita* reference applied under 35 U.S.C. §103 against claims 4-8, 13 and 16 in the Office Action. Those two references cannot be combined. If one were to substitute the fluid from the *Fujita* reference for the solenoid or electromagnet of the *Jamieson, et al.* reference, that would defeat the intended operation of the *Jamieson, et al.* arrangement. A fluid as used in the *Fujita* reference is not capable of applying a force in a manner that a solenoid or electromagnet is used in the *Jamieson, et al.* reference. Therefore, the proposed combination cannot be made. When a proposed combination of references defeats the intended operation of the primary reference, there is no *prima facie* case of obviousness because the combination cannot be made.

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Applicant respectfully submits that the pending claims are not anticipated nor rendered obvious by the *Fujita* reference. Applicant notes that U.S. Patent No. 5,289,902 is the U.S. equivalent of the JP-05116869 reference cited by the Examiner. There is nothing within that reference that discloses or suggests the type of stiffness control recited in Applicant's claims. The *Fujita* reference is only concerned with vibration damping while the elevator cage 5 of that reference is moving along the guide rails 3. There is no mention of controlling the arrangement in the *Fujita* reference to increase the stiffness or viscosity of fluid while an elevator car is stationary at a landing as recited in Applicant's claims.

Applicant believes this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

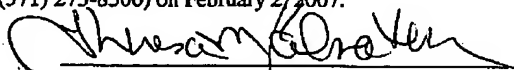
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Dated: February 2, 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment, relative to Application Serial No. 10/574,653 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 2, 2007.


Theresa M. Palmateer

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